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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 30.03.2016

W.P.(CRL) 499/2016

NAVEEN AHUJA

..... Petitioner

Through: Mr. Ajay Verma, Advocate

versus

STATE

..... Respondent

Through: Mr. Sanjay Lao, ASC (Criminal) with
Mr. Siddharth Sindhu, Advocate

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition under Article 226 of the Constitution of India seeks a direction to the Competent Authority to release the petitioner on parole on the ground that he has to organize the funds for the medical treatment of his aged mother and to attend to her at the time she undergoes surgery to remove her gall bladder.
2. The petitioner is aggrieved by the order dated 04.11.2015 whereby his representation for grant of parole on the above stated grounds was rejected by the Competent Authority for the following reasons:-

“rejected in view of the following:-

1. Para 12.5 of Parole/Furlough Guideline: 2010 which provides that “*Parole would ordinarily be not granted*”

except, if in the discretion of the competent authority special circumstances exist for grant of parole.”

(c) If prisoner is convict for multiple murders. The convict has committed murder of his wife and two children.

2. Adverse police report that the police has expressed their apprehension that convict may jump the parole and commit similar offence.”
3. A status report has been filed on behalf of the official respondent and the same is taken on record. A perusal thereof reveals that Raj Rani, mother of the petitioner, has to undergo a surgery at Siwach Hospital, Rohtak, Haryana on 31.03.2016.
4. In the present case, it is observed that the petitioner has been released on parole and furlough on number of occasions in the past and is not stated to have misused the liberty granted to him. The conduct of the petitioner in jail has been satisfactory for the past one year. The petitioner has undergone over 10 years and 6 months incarceration out of the total sentence of life imprisonment awarded to him.
5. It is trite to say that a person in long incarceration is entitled to be released on parole for a month in a year to re-establish social ties and for physical and mental well being.
6. In view of the foregoing facts, particularly the medical condition of the petitioner’s mother, it would be just and expedient to enlarge him on parole so as to enable him to attend to his ailing mother and remain present at the time when the latter undergoes surgery, as above mentioned.
7. Therefore, I see no impediment in granting parole to the petitioner. The petitioner is directed to be released on parole for a period of four weeks from the date of his release subject to his furnishing a personal bond in the

sum of Rs.5,000/- (Rupees Five Thousand) with one surety of the like amount to the satisfaction of the Superintendent, Central Jail, Tihar subject to the following conditions:-

- (i) During the period the petitioner remains out on parole, he shall report to the SHO, Police Station- Kapasehra, Delhi, once a week on every Friday.
- (ii) The petitioner shall also provide the SHO, Police Station- Kapasehra, Delhi with his mobile telephone number which he undertakes to keep operational.
- (iii) The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.

8. The writ petition is allowed and disposed of accordingly.

9. A copy of this order be sent to the Superintendent, Central Jail, Tihar for necessary compliance and communication of the same to the petitioner.

MARCH 30, 2016

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SIDDHARTH MRIDUL, J